

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

ROBERT KING MALLARD,

Plaintiff,

v.

Warden KEVIN ROBERTS, et. al.,

Defendants.

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1:05-CV-2 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed July 20, 2007. (Doc. 33). It is recommended that Plaintiff's Motion to Dismiss (Doc. 31) be granted and that this matter be dismissed with prejudice. *Id.* It is also recommended that Defendants' Motion for Summary Judgment (Doc. 27) be denied as moot. *Id.* No objection has been filed.

Upon review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 33) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's Motion to Dismiss (Doc. 31) is **GRANTED**; and Defendants' Motion for Summary Judgment (Doc. 27) is **DENIED AS MOOT**. Accordingly, this matter is **DISMISSED WITH PREJUDICE**.

SO ORDERED, this 27th day of August, 2007.

/s/W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT JUDGE